IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17282 of 2007

Dated: August 20, 2007

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Between:

Smt. Amara Bhasker Rao, W/o. late Bhasker Rao,
Canteen Owner in the premises of I.A.S.E., Masab Tank,
Hyderabad.

… Petitioner

And

Govt. Institute of Advanced Studies in Education,
Rep. by its Principal, Welfare Centre, Masab Tank,
Hyderabad.

… Respondent

Order:

This writ petition has been filed questioning the notice dated 21-07-2007, issued by the respondent, in Rc.No.1/Spl/B/2007.

2. I have heard learned counsel for the petitioner and the learned Government Pleader for Education appearing on behalf of the respondent.

3. In the affidavit filed in support of the writ petition, it is stated that

petitioner's husband was running a canteen in the premises of the Government Institute of Advanced Studies in Education, Masab Tank, Hyderabad, having established it in the year 1969 and after his death, petitioner has been running the same. By the impugned notice, petitioner was directed to vacate from the college premises on or before 10-08-2007, on the ground that she is staying in the college premises unauthorizedly and the same is resulting in visit of unsocial elements, who are misbehaving with the staff.

4. The case of the petitioner is that originally her husband was given oral permission to start the canteen in the year 1969 and after his death, she has been running the canteen by paying rent to the respondent.

5. Learned Government Pleader for Education appearing for the respondent submits that, earlier, petitioner was running the canteen, however, she has now stopped running it and staying in the premises of the respondent unauthorizedly.

6. A perusal of the impugned notice does not indicate issuance of any prior opportunity to the petitioner. As it is the case of the petitioner that she is staying in the premises in question as a tenant, by paying rent, I deem it appropriate to dispose of the writ petition permitting her to file explanation to the impugned notice along with supporting material within two weeks from today. On such explanation being filed, the respondent – Principal shall consider the same, pass appropriate orders and communicate the same to the petitioner. It is clarified that till appropriate orders are passed on the explanation to be filed by the petitioner, she shall not be evicted from the premises in question.

7. The writ petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

August 20, 2007
MRR